

programs which support the original goals of the United Nations Decade for Women.

Sec. 114.¹⁰³ Limiting Use of Funds for Abortions or Involuntary Sterilization. * * * [Repealed—1978]

Sec. 115.¹⁰⁴ Prohibiting Use of Funds for Certain Countries. * * * [Repealed—1978]

Sec. 116.¹⁰⁵ Human Rights.—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons,¹⁰⁶ or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b) In determining whether this standard is being met with regard to funds allocated under this part, the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs¹⁰⁷ of the House of Representatives may require the Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of this Act.

(b)¹⁰⁸ No assistance may be provided to any government failing to take appropriate and adequate measures, within their means, to protect children from exploitation, abuse or forced conscription into military or paramilitary services.

(c)¹⁰⁹ In determining whether or not a government falls within the provisions of subsection (a) and in formulating development as-

¹⁰³ Sec. 114, as added by the FA Act of 1973, was repealed by sec. 104(b) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 947). See also sec. 104(f) of this Act.

¹⁰⁴ Sec. 115, as added by the FA Act of 1974, was repealed by sec. 102(f) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 942).

¹⁰⁵ 22 U.S.C. 2151n. Sec. 310 of Public Law 94-161 (89 Stat. 849) added 116. See also in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8), sec. 7028, relating to eligibility for assistance (123 Stat. 873).

¹⁰⁶ Sec. 701(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3156) inserted "causing the disappearance of persons by the abduction and clandestine detention of those persons."

¹⁰⁷ Sec. 9(a)(6) of Public Law 103-437 (108 Stat. 4588) struck out "International Relations" and inserted in lieu thereof "Foreign Affairs". Subsequently, sec. 1(a)(5) of Public Law 104-14 (109 Stat. 186) provided that references to the Committee on Foreign Affairs of the House of Representatives shall be treated as referring to the Committee on International Relations of the House of Representatives.

¹⁰⁸ Sec. 599D of the of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513; 104 Stat. 2066), added this second subsec. (b).

¹⁰⁹ Sec. 111 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 537) amended and restated subsecs. (c) and (d), and added a new subsec. (a). Subsecs. (c) and (d) formerly read as follows:

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross,

sistance programs under this part, the Administrator shall consider, in consultation with the Assistant Secretary of State for Democracy, Human Rights, and Labor¹¹⁰ and in consultation with the Ambassador at Large for International Religious Freedom—¹¹¹

(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States;¹¹²

(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country; and¹¹²

(3)¹¹² whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), when such efforts could have been reasonably undertaken.

(d)¹¹¹ The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25¹¹³ of each year, a full and complete report regarding—

(1)¹¹⁴ the status of internationally recognized human rights, within the meaning of subsection (a)—

(A) in countries that receive assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act;

or groups or persons acting under the authority of the United Nations or of the Organization of American States.

¹¹⁰ (d) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section.

¹¹⁰ Sec. 1622(e)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 405), struck out "Assistant Secretary for Human Rights and Humanitarian Affairs" and inserted in lieu thereof "Assistant Secretary of State for Democracy, Human Rights, and Labor". Previously, sec. 109(a)(2) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105; 91 Stat. 846) struck out "Coordinator" and inserted in lieu thereof "Assistant Secretary".

¹¹¹ Sec. 421(a)(1) of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2809) added "and in consultation with the Ambassador at Large for International Religious Freedom" after "Labor".

¹¹² Sec. 421(a) of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2809) added "and in consultation with the Ambassador at Large for International Religious Freedom" after "Labor".

(2)¹¹⁵ wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization;

(3)¹¹⁶ the status of child labor practices in each country, including—

(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;

(4)^{115, 116} the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year;

(5)¹¹⁵ the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement;¹¹⁷

(6)^{115, 117} the steps the Administrator has taken to alter United States programs under this part in any country because of human rights considerations;

(7)^{116, 117} wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998);

(8)¹¹⁸ wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur during the preceding year, including descriptions of—

(A) acts of physical violence against, or harassment of Jewish people, and acts of violence against, or vandalism of Jewish community institutions, including schools, synagogues, and cemeteries;

(B) instances of propaganda in government and non-government media that attempt to justify or promote racial hatred or incite acts of violence against Jewish people;

¹¹⁵ Sec. 127 of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (Public Law 105-277; 112 Stat. 2681), redesignated former para. (2) as para. (3). Subsequently, sec. 201(a) of Public Law 104-319 (110 Stat. 3864) struck out "and" at the end of para. (2), redesignated para. (3) as para. (5), and added new paras. (3) and (4). See also footnote 77.

¹¹⁶ Sec. 2216(2) and (3) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division C of Public Law 105-277; 112 Stat. 2681), redesignated paras. (3) through (6) as paras. (4) through (7) and added a new para. (3). At the time of enactment of Public Law 105-277, however, no para. (6) was contained in the section. Public Law 105-292 added para. (6) later, shown here redesignated as para. (7).

¹¹⁷ Sec. 102(d)(1) of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2794) struck out "and" at the end of para. (4); replaced a period at the end of this para. (5) with "; and"; and added a new para. (6). Paras. (4) and (5), however, had already been redesignated as paras. (5) and (6) by sec. 2216 of Public Law 105-277. Sec. 2216 of Public Law 105-277 also redesignated a then-nonexistent para. (6) as para. (7). The amendment has been made to the subsequently enacted para. (6), shown here as para. (7).

Sec. 806(a) of the Admiral James W. Nance and Mag Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 1000(a)(7) of Public Law 106-113; 113 Stat. 1536), struck out "and" at the end of para. (6), struck out a period at the end of para. (7) and inserted in lieu thereof "and", and added a new para. (8).

¹¹⁸ Sec. 6(a)(1) of the Global Anti-Semitism Review Act of 2004 (Public Law 108-332; 118 Stat. 1285) redesignated paras. (8), (9), and (10) as paras. (9), (10), and (11), and added a new para. (8).

(C) the actions, if any, taken by the government of the country to respond to such violence and attacks or to eliminate such propaganda or incitement;

(D) the actions taken by such government to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(E) the efforts of such government to promote anti-bias and tolerance education;

(9)¹¹⁸ wherever applicable, consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987);

(10)¹¹⁹ for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country; and

(11)¹²⁰ (A) wherever applicable, a description of the nature and extent)—

(i) of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, and the participation of such individuals in such groups; and

(ii) that such individuals take a direct part in hostilities;

(B) what steps, if any, taken by the government of the country to eliminate such practices; and

(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary.

(e)^{109, 121} The President is authorized and encouraged to use not less than \$3,000,000 of the funds made available under this chap-

¹¹⁸ Sec. 665(a) of the Freedom Investment Act of 2002 (subtitle E of title VI of the Foreign Relations Authorization Act, Fiscal Year 2002; Public Law 107-228; 116 Stat. 1406) struck out "and" at the end of para. (7); replaced a period at the end of para. (8) with "; and"; and added a new para. (9), subsequently redesignated as para. (10) by sec. 6(a) of Public Law 108-332 (118 Stat. 1285). Sec. 683(a) of the Freedom Investment Act of 2002 (subtitle E of title VI of the Foreign Relations Authorization Act, Fiscal Year 2002; Public Law 107-228; 116 Stat. 1410) struck out "and" at the end of para. (8); replaced a period at the end of para. (9) with "; and "; and added a new para. (10). Sec. 665(c) of that Act further provided the following:

"(c) SEPARATE REPORT.—The information to be included in the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 pursuant to the amendments made by subsections (a) and (b) may be submitted by the Secretary as a separate report. If the Secretary elects to submit such information as a separate report, such report shall be submitted not later than 30 days after the date of submission of the report required by section 116(d) and 502B(b) of the Foreign Assistance Act of 1961."

¹¹⁹ Sec. 6(a) of Public Law 108-332 (118 Stat. 1285) redesignated para. (1) as para. (11).

¹²¹ Sec. 109(1) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 947) added "The President is authorized and encouraged to use not less than".

Sec. 1002(a)(1) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1052) amended the authorization level to \$3,000,000 and added the reference to funds available under chapter 4 of part II. Previously, amendments by sec. 306 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1533), sec. 504 of Public Law 96-533 (94 Stat. 378), and sec. 109(2) of Public Law 95-424 (92 Stat. 947) authorized the use of \$1,500,000 for this purpose in fiscal years 1982-1983, fiscal year 1981, and fiscal year 1979, respectively. The original text of subsec. (e), added by

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ter, chapter 10 of this part,¹²² and chapter 4 of part II for each fiscal year for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights, including the right to free religious belief and practice,¹²³ as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this chapter or under chapter 10 of this part, except that funds made available under chapter 10 of this part may only be used under this subsection with respect to countries in sub-Saharan Africa. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

(f) ¹²⁴ (1) The report required by subsection (d) shall include the following:

sec. 111 of Public Law 95-88 (91 Stat. 537), authorized the use of \$750,000 for this purpose during fiscal year 1978.

Sec. 202 of Public Law 99-440 (100 Stat. 1095) added the authorization level of \$1,500,000 for the fiscal year 1986 and for each fiscal year thereafter.

Sec. 1002(a)(3) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1052) added para. designation "(1)" and a new para. (2). Sec. 4(a)(3)(B) of the South African Democratic Transition Support Act of 1993 (Public Law 103-149; 107 Stat. 1505) subsequently repealed para. (2), and struck out the designation for para. (1).

Subsec. (e)(2) had stated a priority, with supporting guidelines and conditions, for giving grants to "nongovernmental organizations in South Africa promoting political, economic, social, juridical, and humanitarian efforts to foster a just society and to help victims of apartheid."

Sec. 4(a)(3)(B) of the South African Democratic Transition Support Act of 1993 (Public Law 103-149; 107 Stat. 1505) also repealed subsecs. (f) and (g) of sec. 116, which had been added by sec. 202(b) of Public Law 99-440 (100 Stat. 1095).

Subsec. (f) directed not less than \$500,000 under section (e)(2)(A) to be used "for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protesters and prisoners, and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies * * *."

Subsec. (g) directed \$175,000 each fiscal year to "be used for direct assistance to families of victims of violence such as 'necklacing' and other such inhumane acts", and another \$175,000 to "be made available to black groups in South Africa which are actively working toward a multi-racial solution to the sharing of political power in that country through nonviolent, constructive means."

¹²² Sec. 562 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513; 104 Stat. 2026), added a new chapter 10 to part I of this Act, providing for long-term development in sub-Saharan Africa, and made a conforming amendment by inserting "chapter 10 of this part," here, and text at the end of the first sentence beginning at "or under chapter 10".

¹²³ Sec. 501(b) of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2811) inserted "including the right to free religious belief and practice" after "adherence to civil and political rights". Subsec. (a) of that sec. provided the following:

"SEC. 501. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

"(a) FINDINGS.—Congress makes the following findings:

"(1) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there is not sufficient cultural and social understanding of international norms of religious freedom.

"(2) Accordingly, in the provision of foreign assistance, the United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom."

¹²⁴ Sec. 104(a) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 114 Stat. 1471) amended and restated subsec. (f). Originally added by sec. 597 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (H.R. 3422, enacted by reference in sec. 1000(a)(2) of Public Law 106-113; 113 Stat. 1535), the subsec. formerly read as follows:

"(f)(1) The report required by subsection (d) shall include—

"(A) a list of foreign states where trafficking in persons, especially women and children, originates, passes through, or is a destination; and

"(B) an assessment of the efforts by the governments of the states described in paragraph (A) to combat trafficking. Such an assessment shall address—

"(i) whether government authorities in each such state tolerate or are involved in trafficking activities;

"(ii) which government authorities in each such state are involved in anti-trafficking activities;

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is tak-

¹(iii) what steps the government of each such state has taken to prohibit government officials and other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking;

²(iv) what steps the government of each such state has taken to assist trafficking victims;

ing all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.

Sec. 117.¹²⁵ Assistance for Disadvantaged South Africans.
* * * [Repealed—1993]

Sec. 117.¹²⁶ Environment and Natural Resources.—(a) The Congress finds that if current trends in the degradation of natural resources in developing countries continue, they will severely undermine the best efforts to meet basic human needs, to achieve sustained economic growth, and to prevent international tension and conflict. The Congress also finds that the world faces enormous, urgent, and complex problems, with respect to natural resources, which require new forms of cooperation between the United States and developing countries to prevent such problems from becoming

¹²⁵ Formerly at 22 U.S.C. 2151o. Sec. 4(a)(3)(B) of the South African Democratic Transition Support Act of 1993 (Public Law 103-149; 107 Stat. 1505) repealed sec. 117. It had been added originally by sec. 201(b) of Public Law 99-440 (100 Stat. 1094). Sec. 117 provided assistance for disadvantaged South Africans through South African nongovernmental organizations, such as the Educational Opportunities Council, the South African Institute of Race Relations, READ, professional teachers' unions, the Outreach Program of the University of the Western Cape, the Funda Center in Soweto, SACHED, UPP Trust, TOPS, the Wilgespruit Fellowship Center (WFC), and civic and other organizations working at the community level which did not receive funds from the Government of South Africa.

A previous sec. 117, relating to infant nutrition, was repealed in 1978.

¹²⁶ 22 U.S.C. 2151p. Sec. 117 was redesignated from sec. 118 by sec. 301(1) of Public Law 99-529 (100 Stat. 3014), resulting in the creation of two sections 117. Sec. 301(2) of Public Law 99-529 further deleted subsec. (d) of that section, which dealt with tropical forests, and sec. 301(3) of Public Law 99-529 added a new section 118 entitled "Tropical Forests". This section, as added by sec. 113 of Public Law 95-88 (91 Stat. 537) and amended by sec. 110 of Public Law 95-424 (92 Stat. 948) and sec. 122 of Public Law 96-53 (93 Stat. 948), was further amended and restated by sec. 307 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1533). This section previously read as follows:

"Sec. 118. Environment and Natural Resources.—(a) The President is authorized to furnish assistance under this part for developing and strengthening the capacity of less developed countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible restore the land, vegetation, water, wildlife and other re-